REMARKS

In the Office Action which was made final by the Examiner, claims 9 and 2-6 have been again rejected under 35 U.S.C. 103 as being unpatentable over Takihiro et. al. in view of Suzuki; claim 7 has been rejected under 35 U.S.C. 103 over Takihiro et al. in view of Suzuki and further in view of Song, and claim 8 has been rejected under 35 U.S.C. 103 over Takihiro et al. in view of Suzuki and further in view of Song and Biegel et al., as previously.

In response to the outstanding Office Action, claim 8 has been canceled without prejudice or disclaimer and independent claim 9 has been amended to include therein basically the limitations of claim 8.

The Examiner argued in his Detailed Action that he disagreed with the applicant's arguments regarding the subject matter of claim 9 as previously amended, submitted in the Response to the Office Action filed January 30, 2004, because Takihiro provides a means for communication between an ATM LAN and a Legacy LAN (which may be an Ethernet) via a switch fabric which is controlled by a bridging/routing management function and these features of the ATM switch provide an overall structure of the transmission apparatus of the present invention while Suzuki teaches that a network management system may be connected to an Ethernet LAN or connected in an ATM network.

However, the teaching of Takihiro and Suzuki in combination is directed to accessing the ATM virtual circuit VC (or permanent virtual circuit PVC). In contrast, the

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applicant's claimed transmission apparatus further comprises an interface via which the first and second resource management information can be sent to a transaction language management subsystem which performs a facility node resource management in an STM transmission and a common management information service element subsystem and can further be sent to the customer network management agent process and the first and second user network management systems, as recited in claim 9 as herein amended.

As described on page 15, line 15 to page 16, line 14 of the specification, the transmission apparatus of the applicant's claimed invention is capable of handling both the STM transmission and the ATM transmission. The resource management in the STM transmission is implemented by the transaction language TL1 management subsystem and the common management information service element CMISE subsystem. The resource management in the ATM transmission is implemented by the TL1 management subsystem and the CMISE subsystem. In contrast, the resource management of the CLAD unit itself in the transmission apparatus is implemented by the management process subset and is capable of collecting the node information. The three management subsystems are placed in the processor provided in the apparatus controller 64.

It is believed that the teaching of Takihiro and Suzuki in combination would not render obvious the above-mentioned features of the applicant's claimed invention.

As the Examiner acknowledges, Takihiro fails to disclose a first or second user network management system and a first CLAD accommodated outside of the apparatus, fails to disclose that the management function is an agent process and also fails to disclose a path permanently set in the switch. Suzuki teaches that a network management

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system may be connected to an Ethernet LAN or connected in ATM network. However, Suzuki clearly fails to show or suggest the applicant's claimed interface recited in claim 9 as herein amended.

The Examiner further cited Song to show a multimedia handling node that uses the platform to accommodate both a STM node and an ATM node, and cited Biegel to show a network element that supports both TL1 and CMISE interface to communicate messages to agents and subagents. It is the Examiner's opinion that Takihiro in combination with Suzuki, Song and Biegel would have made the present invention as set forth in claim 8 obvious to a skilled artisan.

However, neither Song nor Biegel discloses or suggests an interface via which the first and second resource management information can be sent to a transaction language management subsystem which performs a facility node resource management in an STM transmission and a common management information service element subsystem, and can further be sent to the customer network management agent process and the first and second user network management systems.
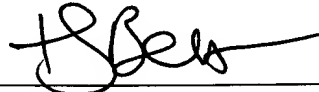
In short, neither Song nor Biegel suggest the above limitations which are directed to accessing the first and second resource management information covering both, the STM transmission and the ATM transmission.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the

Examiner is respectfully requested to telephone the undersigned attorney at the number

listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

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